

Guide to challenging new faith schools

If a new faith school is opening near you, your school is converting, a faith group is taking over a non-faith school or you are losing non-faith schools in your area, we can help.

To get started, first check the general advice in **First things first**, then look up the details for your specific situation and finally turn to **Next steps**.

This guide gives an overview of the processes by which new faith schools open in the UK and how they can be challenged. But it is only a guide, local circumstances will always be relevant and the arguments against different faith schools may vary. We strongly recommend contacting the No More Faith Schools team (by [email](#) or [online](#)) for advice and to help you plan your challenge.

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First things first

If you contact the No More Faith Schools team (by [email](#) or [online](#)), they'll want to know:

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| Where in the UK is this? | |
| Who is the local authority? | |
| What is the proposed new school type? | |
| If there is an existing school what type is it? | |
| Where did you find out about it, is there a news story or website? | |
| Under what process is the new school opening/the school closing? | |
| What stage are the plans at? | |
| Is there a consultation, and if so is it online? | |
| What are the dates for the proposal/consultation? | |
| Has anyone spoken out about it? | |
| How will you be affected? | |
| How will others in your community be affected? | |

Some things to keep in mind:

- The earlier in the consultation process you can get involved, the more likely you are to succeed.
- The more people you can get involved the better. Spend some time thinking who your potential supporters are and who they have influence over.
- You're more likely to succeed if you can work together with people of all faiths and none.
- Different types of faith schools have different procedures for opening and may be subject to varying levels of local oversight.
- Always try to get local media interested, they can be very influential on local decision making.
- Your elected representatives can have a big influence even if they don't have a formal role in the process.
- Even if you don't succeed in stopping a faith school opening, there may be other benefits to trying. Bringing attention to this issue can help mitigate the harm of the faith school.

What is a faith school?

"Faith school" is a description, not a legal definition – it definitely includes all schools that are legally designated as having a religious character or faith ethos, for some people it also includes all schools where a religious organisation has a formal role in the governance.

In England and Wales there are two main type of faith schools – voluntary aided (VA) and voluntary controlled schools. VAs tend to have a more rigorous religious ethos, less restrictions on discrimination/proselytization and more direct religious control. The Church of England and Church in Wales often insist that 'their' schools *aren't* faith schools. In England there are also faith based academies, faith ethos academies, VA-converter and VC-converter academies. Religious groups may also run multi-academy trusts (MATs) which control non-faith schools.

Almost all public schooling in Northern Ireland is split along sectarian (Protestant/Catholic) lines. Controlled (legally designated as Protestant) schools are governed in accordance with the Church's ethos. Maintained (Catholic) schools are controlled by the Council for Catholic Maintained Schools. There are a small number of Integrated Schools – which seek to offer a balanced curriculum without religious discrimination.

In Scotland there are two types of schools – denominational and non-denominational. Denominational schools (mostly Catholic) are explicitly religious. Non-denominational schools were traditionally seen as Protestant, but are meant to serve the whole community.

Faith schools may also be referred to as denominational, religious, sectarian or Church schools. For more information on different school types [click here](#).

Consultations:

Consultations are a key opportunity to challenge proposed new faith schools. Every section of this guide emphasises the importance of finding the details of any consultation and planning a response.

It doesn't always feel this way, but consultation processes must be "substantively fair and have the appearance of fairness". David Wolfe QC gives a very clear definition of what that means on his '[A can of worms](#)' blog:

In short, anyone who undertakes consultation must let people know what they are proposing and why, give them a chance to comment, and conscientiously take into account their responses with an open mind before deciding whether or not to do what was proposed.

The basic rule is that, whether or not a public body was required to consult, if it does so, then it must comply with the following overarching obligations (unless detailed statutory rules supplant these):

- Consultation must be at a time when proposals are at a formative stage.
- The proposer must give sufficient reasons for its proposals to allow consultees to understand them and respond to them properly.
- Consulters must give [sufficient time](#) for responses to be made and considered.
- Responses must be [conscientiously taken into account](#) in finalising the decision.

All of those are aspects of an overriding requirement for 'fairness'. The process must be *substantively fair* and have the *appearance of fairness*.

New faith school – England

All of the UK nations have unique education systems (although England and Wales are moving apart from a shared model). They all therefore have unique challenges with faith schools. The advice for England is more extensive as it has a wider variety of school models and have more faith schools opening.

New faith based academy

The vast majority of new schools opening in England are academies (also called free schools). These can open through two routes:

1. The “central mainstream free schools programme” where potential free school providers are invited by the DfE to put forward proposals.
2. The “free school presumption” process where local authorities identify the need for new schools, they must seek proposals for a free school. The local authority may stipulate if they believe the new free school should have a religious designation or not and can make recommendations on the proposals. But the DfE (through the regional schools commissioners) ultimately select the proposal they want.

Local consultations should be held on all free school proposals and all proposals have to follow the [Free schools application guide](#). Annex D of the guide on How to apply to set up a mainstream free school deals ([link to section](#)) deals with the information relevant to faith school proposals.

The information in this guide is extremely important it will tell you what information new faith schools must put in their application and show the criteria that you can use to challenge proposals. For example it is very difficult for minority faith schools to “include evidence that your proposed school is likely to attract applications from all parts of the local community, not just those of your faith group”. Proposals for new faith based free schools also need to “consider the potential impact on integration and community cohesion”.

The duty to consult comes from [Section 10 of the Academies Act 2010](#), and Section 5 of the DfE’s [guidance on free schools’ pre-opening phases](#) gives more detail.

In addition the DfE is required under [Section 9 of the Academies Act 2010](#) to consult on the effect that a new or expanded free school is likely to have on education in the area.

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| Check if your local authority is seeking new school proposals | |
| Check that your local authority is supporting inclusive schools | |

New voluntary aided faith school

Prior to academies VA schools were those that religious groups had the biggest direct role in managing. All teaching and pupil positions are potentially subject to religious discrimination and the RE is confessional. Religious influences may be countered by the minority of non-religiously appointed governors and local influences, but are likely to be far more prominent than in other schools.

For years the DfE had been discouraging the establishment of new VA schools due to their policy of moving towards more academies. In May 2018 the Education Secretary announced plans to allow new VA schools to open. This was to satisfy demands, predominantly from the Catholic Education Service, for 100% religiously selective schools, while retaining the cap of 50% on faith selective places in new free schools/academies.

“As set out in the government’s response to the ‘Schools that work for everyone’ consultation, local authorities have a duty to plan and secure sufficient schools for their areas using their basic need funding, and by working with their partners, including providers of Church and other faith schools. In order for a proposal to qualify for funding under the scheme, applicants will need to demonstrate both a need for new school places, and to provide an assessment of demand for places at the school. We will be developing the detail of the scheme in the coming months.”- Nadhim Zahawi MP (Parliamentary Under-Secretary of State for Education) 16 May 2018

“Any person or organisation (e.g. a local authority or diocese) may publish a proposal for a new voluntary-aided school, in response to a clear demand for the places that the new school will provide.” – DfE guidance May 2018

November 2018 update

On 15 November 2018 the DfE announced plans for the new [Voluntary-aided schools: capital scheme](#). Expressions of interest will be published in December and January 2018/19, with formal bids by 1 February 2019. It is unclear how many faith schools will be opened under these plans, but the first wave will be approved in Spring 2019.

Through this process faith groups will be able to publish proposals for a new VA school to meet local demand, they will (usually) have to put up 10% of the capital funding and apply to the DfE for the rest. The school’s running costs will be entirely met by the local authority (out of their grant from the DfE).

The proposal will require the approval of the relevant local authority, or the Office of the Schools’ Adjudicator.

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| Keep an eye out for news about and proposals for new voluntary aided schools in your area. | |
| Respond to any consultation about the proposal. Draw attention to how the proposal is inconsistent with the assessment criteria. | |
| Write to your local education authority asking them to oppose the new VA school and to support a new inclusive school instead. | |

Non-faith school becoming a faith school

The process by which a non-faith school acquires a formal religious designation is restrictive and requires the consent of the DfE. Technically it involves the school closing and a new school reopening on the same site.

It is therefore more likely that one of the two situations below will apply. Non-faith schools can also come under increased religious influence through the actions of school leaders, for example increased collective worship and visits by evangelical organisations.

A non-faith school cannot acquire a religious designation or faith ethos through academisation. After academisation it would require the approval of the DfE to do so. To do this it would be required to submit a proposal for significant change. [DFE guidance on making significant changes to an existing academy](#)

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| Check that any twinning or affiliation arrangements aren't a prelude to plans to change religious designation | |
| Challenge increased/inappropriate religious influence in your non-faith school | |

Non-faith school joining a religious academy trust

Many Multi-Academy Trusts are run by religious organisations in accordance with their ethos. When a trust contains a mix of formerly VC/VA/community schools, it is a mixed-MAT. The [guidance on this](#) can be summed up as:

1. *"If a MAT contains a mix of former VA and/or VC and/or community schools, its funding agreement and articles of association should reflect that it is a Mixed Multi-Academy Trust."*
2. *"In relation to former VC schools this will mean the establishment of a local governing body with a minority of foundation governors appointed by the Diocese."*
3. *"The Trust will also be required to ensure that the characteristics of the former VC are preserved in the areas of staffing, teaching of RE and the provision of collective worship."*
4. *"With regard to former community schools the Trust will be required as part of its funding agreement to establish a local governing body..."*
5. *"....and preserve the non-religious nature of the school."*
6. *"It is not possible as part of the academy conversion process for a community school to become a faith school."*

This means that:

- If a non-faith school joins a Mixed Multi-Academy Trust with at least one formerly **VC** school then the MAT will contain have a **minority** of directors appointed to promote the religious ethos.
- If a non-faith school joins a Mixed Multi-Academy Trust with at least one formerly **VA** school then the MAT will contain have a **majority** of directors appointed to promote the religious ethos.
- Non-faith schools shouldn't have any governors appointed on religious grounds. If in a Mixed-MAT, this will remain the case at the level of the Local Governing Body.

Faith groups taking over non-faith academies will typically promise to protect its non-religious ethos. In practice it's not clear what guarantees this. For example it is established C of E [policy](#) to treat such non-faith schools under their control as part of their 'mission'. Examples can include increased collective worship/evangelical visits.

Some examples of religious takeovers include:

- [Church to gain influence over nine secular schools in Northumberland](#)
- [Latest religious takeover will see two community schools run by the Church](#)
- [Four Newcastle schools facing Church of England takeover](#)

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| If your school is joining a Multi Academy Trust, check if it has a religious ethos | |
| Press for details on how the non-religious ethos will be protected | |

Losing a non-faith school in an amalgamation

While not a new faith school issue, [biases in favour of faith schools](#) can disadvantage community schools in amalgamations/reorganisations. Occasionally schools in an area need to be reorganised, for example there could be two schools in a rural area experiencing funding difficulties that would be ameliorated by closing one of them and creating a single bigger school.

[Statutory guidance](#) from the Department for Education on opening and closure proposals warns: "the decision-maker should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of relevant denominational places in the area." Some local authorities interpret this as meaning that maintaining faith schools must be prioritised.

Any such proposals are subject to public consultation and decision-makers must have regard to the Public Sector Equality Duty and there should be a consultation by the local authority.

New faith school – Northern Ireland

In Northern Ireland the problem with faith schools is less an issue of new ones opening and more an issue of the extreme segregation of schools along religious lines. Less than [7%](#) of pupils attend integrated schools.

Due to the inefficiencies inherent in a religiously segregated school system Northern Ireland has problems with overcapacity in many areas – a in 2015 the Audit Office estimated that one fifth of the total spaces in Northern Ireland schools were empty.

This combines to mean that the number of schools in Northern Ireland is currently decreasing and few new faith schools are likely to open in the foreseeable future.

For example the number of Catholic primary schools has fallen from 384 to 367 between 2013/14 and 2017/18, while the number of Controlled schools (designated as Protestant) has fallen from 370 to 365.

Supporters in Northern Ireland are therefore advised to concentrate on efforts to integrate existing faith schools. If you do see a proposal for a new faith school, please contact the [No More Faith Schools campaign team](#) with details.

New faith school – Scotland

Local authorities have a statutory duty to ensure the adequate and efficient provision of school education in their area. This includes from time to time opening new schools, or reorganising existing schools in their area.

If a local authority proposes to change any part of the existing education provision in its area then it must engage in a formal consultation process under the [Schools \(Consultation\) \(Scotland\) Act 2010](#).

Schedule 1 contains the “relevant proposals” that must be consulted on including:

- A proposal to establish a new school
- A proposal to vary any admission arrangements for a school
- A proposal to discontinue arrangements for the provision of transport by the education authority for pupils attending a denominational school.
- A proposal to change a denominational school into a non-denominational school.

Schedule 2 lists the relevant people that should be consulted. Any proposal that affects a denominational school needs to consult the church or religious body involved.

Consultations: the Scottish Executive produce guidance for local authorities on the consultation process, including:

- [Timeline for local authorities on the consultation process](#)
- [Statutory guidance for local authorities](#)
- [Proposed changes to your child's school: guide for parents and guardians](#)

This means: if a new faith school is opening your [local authority](#) will publish a proposal for this. There may be informal discussion of this beforehand and lobbying by religious groups for a new school to be proposed.

New faith school – Wales

Prior to devolution the Welsh and English education systems had substantially the same model and legislative underpinning. This was transposed to Welsh law during devolution, however the English system has since diverged with the introduction of academies while schools in Wales remain local authority maintained.

Local authorities have a statutory duty to ensure there are adequate school places in their areas. From time to time local authorities bring forward proposals to:

- Open new schools
- Close/consolidate existing schools
- Make a certain “regulated alterations” to a school

These are published on the Welsh Government website and broken down by local authority. Proposals must comply with [School Standards and Organisation \(Wales\) Act 2013](#) and [the School Organisation Code](#).

Those bringing forward a proposal must also publish a consultation document in hard copy and electronically on their website or that of the relevant local authority.

Federation

Unlike England, schools in Wales can only federate with schools of the same type. This should mean that non-faith schools cannot be federated with faith schools – and therefore should not become subject to religious control.

[Click here](#) for more information on federation.

Next steps

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| Speak to a member of the No More Faith Schools campaign team – they may have sent you this guide – they will be able to provide you with more information and help you consider a plan. | |
| Make sure you have all the information from the checklists in the First things first section and the specific section dealing with your situation. | |
| Most importantly: find any out details of all relevant consultations | |
| Make a list of who you need to contact. The NMFS team should be happy to look at any of your draft letters. | |
| Write to your MP (even if it is a devolved issue) | |
| Write to your local representatives (AM/MSP, and local authority) | |
| Write to your local press | |
| Your regional school commissioner (for English academies) | |
| Reach out to potential local supporters | |
| Speak to friends, family and fellow parents | |
| Do you have a community Facebook group or bulletin board? | |

Also consider supporting the wider No More Faith Schools campaign:

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| Sign the No More Faith Schools petition and Share your support : Make sure you're following us on YouTube , Twitter , Facebook and Instagram and send us a message saying why you support #NoMoreFaithSchools. Download/create your own poster . | |
| Write to your MP : MPs consistently overestimate support for faith schools. Start with our template letter and lobby your MP on this issue. Whatever their stance, they should know their constituents want inclusive education with No More Faith Schools . | |
| Contact your local representatives ask what they are doing to support inclusive education and oppose the expansion of faith schools in your area. Remember also that education is a devolved issue. | |
| Share your story : Are you a teacher, parent or pupil affected by faith schools? It's not enough just to make the principled case against faith schools, we need to show how real people are affected by them and the need for inclusive education. | |
| Share the facts : A lot of pro-faith school myths are believed even by those that would rather an inclusive education system. Help us take these on directly by sharing the Faith School Myth Buster. Let us know if you encounter any other common myths. | |
| Build the coalition : Ask your political, religious, belief, community or social group to support the principles of fairness and equality behind #NoMoreFaithSchools | |
| Join or support the National Secular Society from just £1 a month. The NSS coordinates the No More Faith Schools campaign, as well as doing a wide variety of education work, including challenging faith schools. | |

Being proactive

- If you support an inclusive child's rights focussed approach to education, why not get involved in as a school governor or join a school community group.
- Keep an eye out for new school proposals or proposed school changes in your local area. New schools often follow new housing developments.
- You can ask your local council what their policy is on identifying new school need in their area and whether they have policies supporting inclusive education.
- If your school (England) is thinking of academising, check they are looking into religiously neutral MATs.
- If your local authority (England) has a school places shortage (check the DfE website for info) you might want to start a campaign for a new inclusive school.

Other information

- The [National Secular Society](https://www.secularism.org.uk/education/) coordinates the No More Faith Schools campaign and have a range of resources on religious influence in UK schools.
<https://www.secularism.org.uk/education/>
- The [Fair Admissions Campaign](http://fairadmissions.org.uk/get-involved/challenge-existing-schools/) (an English campaign group against religiously selective schools) have a guide to challenging faith schools with existing discriminatory admissions.
<http://fairadmissions.org.uk/get-involved/challenge-existing-schools/>
- [Integrate My School](https://www.integratemyschool.com) is an initiative of the Integrated Education Fund. It is designed to enable Northern Irish parents to register their support for their child's school to become an integrated school.
<https://www.integratemyschool.com>
- The [Scottish Secular Society](http://secularsociety.scot/) and [Edinburgh Secular Society](http://edinsecsoc.org/) campaign on faith schools and may be able to provide specific advice.
<http://secularsociety.scot/> | <http://edinsecsoc.org/>

Assessment criteria - new faith-based academy or voluntary aided faith school (England)

When opposing plans for a new faith school, it can be helpful to respond to the proposal directly and to demonstrate why it doesn't meet the assessment criteria, or an inclusive religiously neutral school would be more effective in meeting local need.

Below are the main criteria that we look at when challenging the inappropriateness of proposed faith schools.

New VA faith schools (England)

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| <p>B1 - Evidence of basic need</p> | |
| <p>B2 - Demand for greater choice and diversity</p> <p>Proposals should demonstrate:</p> <ul style="list-style-type: none"> • Demand for greater choice and diversity by evidencing that your school proposal meets parental demand for this type of provision that is not currently available locally. • That you have understood the likely impact of your proposed school on existing schools and you have discussed your proposal with the relevant local authority whilst developing your bid. <p>Proposals also must:</p> <ul style="list-style-type: none"> • Provide evidence that your proposed school is likely to attract applications from all parts of the wider community. You must also show that you have explained clearly the nature of the religious character and its impact on the school. | |
| <p>Section C – Integration and community cohesion</p> <p>Proposals need to demonstrate:</p> <ul style="list-style-type: none"> • How the school will be welcoming to and address the needs of all pupils – from all faiths and none; and from different backgrounds and communities, in a way that meets our integration and community cohesion objectives and is in line with the requirements of the Equality Act 2010. • How the school will encourage and support pupils from different communities, faiths and backgrounds to work together, learn about each other's customs, beliefs and ideas and respect each other's views. • How the school will prepare children for life in modern Britain and create inclusive environments through a whole school approach – i.e. a strong school ethos, and through a broad and balanced curriculum, which includes teaching of spiritual, moral, social and cultural (SMSC) education. • How the school will promote fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs and none. • Information on your plans to create meaningful relationships between pupils at your proposed school and young people of different faiths (or no faith) in other schools as part of a sustained and structured linking programme. You may wish to provide the name of a school, or a list of schools, with a good educational track record with whom your school plans to set up a meaningful linking programme, or provide a letter from the school your school proposes to link with which demonstrates their commitment to establishing a strong and meaningful set of linking arrangements. | |

Section C – Integration and community cohesion (continued)

In preparing your bid, it is important to note that we will not approve any bid for capital funding where we have any concerns about:

- a lack of genuine commitment to the inclusion of pupils of other faiths and no faith in the school, and from different backgrounds and communities;
- any member of the proposer group holding extremist beliefs, as defined by the government’s counter-extremism strategy.

New faith academies/ free schools (England)

Section B – Evidence of need for a new school in the area

Section D – Engagement with parents and the local community

If your proposal is for a designated faith school, a school registered with a religious ethos or a school with a distinctive educational philosophy or world view: You must show that there is demand for a greater choice and diversity in the schools available to local parents – by providing information about the choice of schools locally in terms of their intake, ethos, size, curriculum or pedagogical focus.

E4 – Integration and community cohesion

All applicants must demonstrate:

- That the school will be welcoming to pupils of all faiths and none; and show how the school will address the needs of all pupils and parents.
- How your planned approach to admissions will promote community cohesion and integration.
- How the curriculum will be broad and balanced and prepare children for life in modern Britain including through the teaching of spiritual, moral, social and cultural (SMSC) education. Consideration must be given to relevant issues, for example, how the school will teach personal, social, health and economic education (PSHE), adhere to the Prevent duty and have appropriate policies on safeguarding and welfare.
- How the school will promote fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs and none.
- What the school will do to attract pupils from different backgrounds and different communities and how they will ensure that all feel welcome and able to play a full and active role in the school in a way that reflects and is in line with the requirements of the Equality Act 2010.
- How the school will encourage pupils from different communities, faiths and backgrounds to work together, learn about each other’s customs, beliefs and ideas and respect each other’s views.

E4 – Integration and community cohesion (continued)

If you are applying to open a school with a religious character, please also provide:

- A brief explanation of how the school's religious character will be reflected in the curriculum. This should include the proportion of the school's timetable devoted to religious education and other subjects that include some faith-based teachings or use faith-based materials. Please set out how the planned approach will help to prepare children for life in modern Britain. This should include elements of subjects that could overlap with faith teaching (for example, if a proportion of language teaching includes faith-based material). This section should also set out what time will be devoted to worship, reflection time and prayer and how this will be inclusive to pupils of different faiths or none.
- A brief summary of the alternatives to RE and collective worship that will be available for pupils of a different faith or of no faith, where their parents choose to withdraw them from these areas.
- A brief summary of how school policies could affect pupils of other faiths or of no faith. This must include consideration of the school's uniform and school meals policies, including the wearing of religious symbols; and any dietary requirements. It must also address the religious education curriculum, the arrangements for collective worship, and the criteria for staff appointments to the school.
- Information about meaningful and constructive engagement and consultation with diverse local community groups, faith body(ies) and parents demonstrating how you will contribute to community cohesion and integration.
- Information about your plans for continuing this engagement once the school is open, so that pupils in your school are exposed to adults and children of other faiths and backgrounds, and encouraged to integrate with them.

E4 – Integration and community cohesion (continued 2)

The government is keen for all schools to support inclusivity and integration between communities. For faith designated free schools we require additional evidence about your commitment to, and activities you plan to undertake, to support inclusivity and community cohesion. There are a number of ways you may wish to demonstrate your commitment to inclusivity and the strongest applications are likely to include some of the following activities:

- How you plan to create meaningful relationships between young people of different faiths (or no faith) in other schools as part of a sustained and structured linking programme. You may wish to provide the name of a school or a list of schools with a good educational track record with whom you plan to set up a meaningful linking programme, or provide a letter from the school you propose to link with which demonstrates their commitment to establish a strong and meaningful set of linking arrangements;
- Having diversity on the trust's board by including one or more directors/trustees who is of another faith or no faith; or
- Setting up a mixed-faith MAT with schools of different faiths or no faith that will be used to expose pupils in the school you are proposing to peers from different religious and ethnic backgrounds.

E4 – Integration and community cohesion (continued 3)

In preparing your application it is important to note that we will not approve any free school application where we have any concerns about:

- a lack of genuine commitment to the inclusion of pupils of other faiths or no faith in the school;
- creationism being taught as a valid scientific theory or about schools failing to teach evolution adequately as part of their science curriculum; or
- any member of the applicant group holding extremist beliefs, as defined by the government's counter-extremism strategy.

